

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SOFTWARE FREEDOM CONSERVANCY,
INC. and ERIK ANDERSEN,

Plaintiffs,

v.

BEST BUY CO., INC., SAMSUNG
ELECTRONICS AMERICA INC.,
WESTINGHOUSE DIGITAL
ELECTRONICS, LLC, JVC AMERICAS
CORPORATION, WESTERN DIGITAL
TECHNOLOGIES, INC., ROBERT BOSCH
LLC, PHOEBE MICRO, INC., HUMAX USA
INC., COMTREND CORPORATION,
DOBBS-STANFORD CORPORATION,
VERSA TECHNOLOGY INC., ZYXEL
COMMUNICATIONS INC., ASTAK INC.,
and GCI TECHNOLOGIES CORPORATION,

Defendants.

CIVIL ACTION NO. 09-cv-10155 (SAS)

**ROBERG-PEREZ DECLARATION IN
SUPPORT OF DEFENDANT BEST BUY
CO. INC.'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Sharon E. Roberg-Perez, declare as follows:

1. I am an attorney licensed to practice law in Minnesota, and am admitted on a *pro hac vice* basis before this Court in the above entitled action. I am a member of the law firm Robins, Kaplan, Miller & Ciresi L.L.P., attorneys for Defendant Best Buy, Co. Inc. ("Best Buy").
2. I have personal knowledge of the facts stated herein, and if called upon to testify thereon as a witness, would do so.
3. Attached as Exhibit A is a true and correct copy of excerpts from the transcript of Bradley Kuhn's deposition dated Nov. 11, 2010.

4. Attached as Exhibit B is a true and correct copy of an e-mail from Erik Andersen to Bradley Kuhn dated April 7, 2007 purporting to appoint the Software Freedom Conservancy to be his “enforcement agent” in the BusyBox copyright.

5. Attached as Exhibit C is a true and correct copy of an Amended and Restated Fiscal Sponsorship Agreement between Erik Andersen, Denys Vlasenko and the Software Freedom Conservancy dated September 5, 2010, related to BusyBox.

6. Attached as Exhibit D is a true and correct copy of an Authors file released with BusyBox version 0.60.3 on April 27, 2002, based on files downloaded from the “busybox.net” website.

7. Attached as Exhibit E is a true and correct copy of “Index of /downloads” and “Index of /downloads/legacy” from the website busybox.net.

8. Attached as Exhibit F is a true and correct copy of excerpts from the transcript of Erik Andersen’s deposition dated Oct. 29, 2010.

9. Attached as Exhibit G is a true and correct copy of an email from Erik Andersen to Darik Horn dated Dec. 10, 2004.

10. Attached as Exhibit H is a true and correct copy of an email from Erik Andersen to Dave Cinege dated Nov. 9, 1999.

11. Attached as Exhibit I is a true and correct copy of an email from Daniel Ravicher, dated December 13, 2010.

12. Attached as Exhibit J is a true and correct copy of a License file released with BusyBox version 0.60.1 on August 23, 2001, based on files downloaded from the “busybox.net” website.

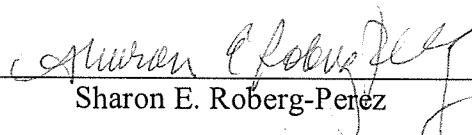
13. Attached as Exhibit K is a true and correct copy of a catalogue search record from the U.S. Copyright Office's web page for registered copyrights in BusyBox.

14. Attached as Exhibit L is an excerpt from a manual for the NS-WBRDVD Insignia Blu-Ray Disc Player.

15. Source code for the GPL-licensed components of the Broadcom 7630 and 7440 Blu-ray chips has been obtained.

I declare under penalty of perjury, and in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on March 7, 2011, in Minneapolis, Minnesota.


Sharon E. Roberg-Perez